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Wyoming (Terr.) Laws, Statutes, etc.

ELECTION,

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SCHOOL (22) ASSESSMENT

LAWS

OF

WYOMING TERRITORY.

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# ELECTION, ASSESSMENT, SCHOOL LAWS OF WYOMING.

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## ELECTIONS.

AN ACT to Provide for Elections, the Manner of Conducting the Same and for Other Purposes.

*Be it Enacted by the Council and House of Representatives of the Territory of Wyoming, as follows.:*

### TITLE I.

SECTION 1. There shall be held in the several precincts or wards in this Territory, a general election on the first Tuesday in September [*Altered by Act of Dec. 11th, 1875. Vide first section of following act.*] in each year hereafter, at which time there shall be chosen so many of the following officers, as are by law, to be elected in such year, that is to say: delegate to congress, (who shall be elected at the first general election.) Members of the council and house of representatives, who shall not be elected until the general election in the year one thousand eight hundred and seventy-one, (except to fill a vacancy;) sheriff, probate judge, county superintendent of schools, county clerk, prosecuting attorney, three county commissioners, assessor, county surveyor, and coroner, justices of the peace and constables, as shall be provided by law, including all other county officers or Territorial, as shall be provided by law.

SEC. 2. Special elections may be held in the following cases, and for the election of the following officers:

*First*, When there has been no choice at the general election, of a delegate to congress, members of the council or house of representatives, or any county officers who should properly have been chosen at such general election;

*Second*, When the rights of a person elected to the office of member of the council, member of the house of representatives, or either of the said county offices, shall cease, by death or otherwise, before the commencement of the term of service for which he shall have been elected;

*Third*, When a vacancy shall occur in either of said county offices, after the commencement of the term of service, and more than three months before the next general election;

*Fourth*, When a vacancy occurs in the office of members of the council, or members of the house of representatives, after the general election, and before the meeting of the legislative assembly.

SEC. 3. A vacancy in either of the offices named in the second section of this act, which shall not have been supplied by an election, before the general election next succeeding the happening thereof, may be supplied at such election.

SEC. 4. Special elections shall be conducted, and the results thereof canvassed and certified, in all respects, as near as practicable, in like manner as general elections, except as otherwise directed; and no special election shall be held within ninety days preceding a general election.

SEC. 5. All general and special elections shall be held at the place in each precinct or district where the last election was held, or at such other place therein as shall have been ordered by the board of county commissioners; *Provided*, Nothing in this act shall prevent the holding of two or more polls in one precinct or district when the same shall be ordered by the commissioners.

SEC. 6. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after having assembled at, or as near as practicable to, such place, and before receiving any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place, forthwith proceed with the election.

SEC. 7. Upon adjourning any election, as provided in the preceding section, the judges shall cause proclamation thereof to be made, and shall station a constable, or some other proper person, at the place where the adjournment was made, to notify all electors arriving at such place, of the adjournment and the place to which it was made.

SEC. 8. The secretary of the Territory shall, between the first day of July and the fifteenth day of the same month in each year, in which a delegate to congress, or any other Territorial officer is to be elected for a full term, make out and cause to be delivered to the sheriff of each county, a notice in writing, stating that at the next general election, the before mentioned Territorial officers are to be elected, or so many of such officers as are then to be chosen.

SEC. 9. If any vacancy shall exist in the office of delegate to congress, or any other Territorial office, proper to be supplied at the ensuing general election, one month before such election, the secretary of the Territory shall give notice in writing to the

sheriff of each county, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when his term of office would have expired.

SEC. 10. The secretary of the Territory shall, between the first day of July and the fifteenth day of the same month in each year, in which the official term of any member of the council or member of the house of representatives shall expire, make out and cause to be delivered to [the] sheriff of each county comprising such district, or to the sheriff of each county which shall form a part thereof, a notice in writing, specifying the number of the district, and the name of the member or members, whose term of office will so expire.

SEC. 11. All special elections for county officers, and the filling of all vacancies at a general election, shall be ordered by the county commissioners, which order shall be countersigned by the clerk of the board of county commissioners; in all other cases of special elections, they shall be called [by] the governor.

SEC. 12. Every order or writ issued for a special election, shall specify the county or district in which such election is to be held, how the vacancy occurred, the name of the officer in whose office it occurred, the time when his term of office would have expired, and the day on which such election is to be held, which shall not be less than twenty nor more than forty days from the date of the order or writ; and the same shall be forthwith delivered to the sheriff of the proper county, or, in case of a vacancy in a district composed of more than one county, then to the sheriff of each county in such district.

SEC. 13. County commissioners of the several counties in this Territory are hereby authorized to divide their respective counties into as many election precincts, for all general and special elections, as they may think expedient for the convenience of the voters of said county; and to appoint as many sets of judges of elections to receive votes at the county seats, as they may think necessary; and shall designate the house or place in such precinct, and in the precinct including the county seat, the house or houses, the place, or places, at which elections are to be holden; and the precincts and places of holding elections so established, shall so remain until changed by the board of county commissioners; *Provided always*, That it shall be the duty of the county commissioners, at any time, to change any place of holding elections, upon a petition of a majority of voters residing within said precinct.

SEC. 14. The board of county commissioners shall respectively, at the last session preceeding any election, appoint three capable and discreet persons, possessing the qualifications of electors, to act as

judges of the election in each election precinct; and the clerk of said board shall make out and deliver to the sheriff of the county, immediately after the appointment of said judges, a notice in writing, directed to the judges so appointed; and it shall be the duty of said sheriff, within twenty days after the receipt of said notice, to serve said notice upon each of the said judges of the election.

SEC. 15. The said judges of the election shall choose two persons having similar qualifications with themselves, to act as clerks of the election. The said judges of the election shall be, and continue judges of all elections of officers to be held within their precinct, for one year, and until other judges shall be appointed, as hereinbefore directed, and the said clerks of election may continue to act as such during the pleasure of the judges of the election.

SEC. 16. If any person appointed to act as a judge of the election, as aforesaid, shall neglect or refuse to be sworn or affirmed to act in such capacity, the place of such person shall be filled by the votes of such qualified voters residing within the precinct, as may then be present at the place of election, and the person or persons so elected or nominated to fill such vacancy or vacancies, shall be, and are hereby vested with the same power as if appointed by the board of county commissioners.

SEC. 17. The clerks of election shall, before they enter upon the duties of their office, take a like oath as hereinafter required of judges of election. The oath of both judges and clerks to be written out in full, and signed by such judges and clerks, and subscribed by the officer or person administering the oath.

## TITLE II.

SEC. 18. That every male person above the age of twenty-one years, who shall have been a resident of this Territory ninety days prior to any election, and who is a citizen of the United States, or have declared on oath before a competent court of record, their intention to become such, and have taken an oath to support the constitution and government of the United States, shall be entitled to vote; and be eligible to any office within said Territory.

[See Chapter 50, "Female Suffrage."]

SEC. 19. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony, or bribery, unless restored to civil rights; nor shall any person who shall have made, or become, either directly or indirectly, interested in, any bet, or wager, depending upon the result of any election at which he shall offer to vote, be permitted to vote at such election.

SEC. 20. At all general or special elections held in the Territory of Wyoming, where the judges provided by law, or some of them, are absent, the electors present at the polls of any election at the hour of nine o'clock, in the forenoon, shall proceed by *viva voce* vote to elect persons qualified as voters at such election to fill any vacancy to serve as judges of election, who, whether appointed by the commissioners, or elected, shall then and there severally take the following oath: "I, A, B, do solemnly swear, (or affirm) that I will impartially, and to the best of my knowledge and ability, perform the duties of judge of this election, and will studiously endeavor to prevent all frauds, deceit and abuse in conducting the same." Such oath may be taken before any justice of the peace, or other person authorized to administer oaths; but if no person authorized to administer an oath be present, then such judges shall administer the oath to each other, with like effect in all proceedings, both civil and criminal, as though the oath had been administered by a person authorized to administer oaths independent of this act.

SEC. 21. At all elections, a poll shall be opened at the place of election in each precinct. Such polls shall be opened as soon after nine o'clock in the forenoon as possible, and be kept open until sundown without adjournment. Proclamation shall be made of the closing of the polls one-half hour before the closing thereof.

SEC. 22. The judges of election shall appoint some constable present (if there shall be one) to preserve order at and about the polls. If no officer be in attendance, the judges of the election may appoint one specially by a written appointment, and he shall have all the powers of a regular constable, and be obeyed as such.

SEC. 23. If any person conducts himself in a noisy, riotous or tumultuous manner, at or about the polls, so as to disturb the election, or insults or abuses the judges or clerks of election, or any voter in exercising his right of suffrage, it shall be the duty of the officer present forthwith to arrest such offending person or persons, and take him or them before some justice of the peace, if there shall be one in the same village, camp or city, or if there is no justice of the peace at such place, then before the judges of election, and they are authorized, by a warrant under their hands, or a majority of them, to commit such offender to the jail of the county for a term not exceeding twenty-four hours. If such offender be taken before a justice, he shall be dealt with as one guilty of a breach of the peace, and punished accordingly; but in all cases, such offender, if qualified, shall be allowed to vote before being committed, if he then desires to do so.

SEC. 24. The names of all persons voted for by any elector at any general or special election, shall be on one ballot.

SEC. 25. Every elector shall vote by ballot, and each person

offering to vote shall deliver his ballot to one of the judges of election in the presence of the others. The ballot shall be a paper slip upon which shall be written or printed, or partly written or partly printed, the names of persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated to any office, than there are persons to be chosen at the election to fill such office.

SEC. 26. It shall be lawful for any elector to vote for delegate to congress, at any place of holding election in the Territory. For all other officers, electors must vote in the precinct where they reside at the time of such election.

SEC. 27. If any person offering to vote shall be challenged as unqualified by the judges or clerks of election, or by any other person entitled to vote at the same polls, the judges shall declare to the person so challenged the qualification of voters; if such person shall then state himself duly qualified and the challenge be not withdrawn, one of the judges shall then tender to him the following oath: "You do solemnly swear (or affirm) that you are twenty-one years of age; that you are a citizen of the United States (or that you have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in this Territory ninety days next preceding this election; that you have not voted at this election."

SEC. 28. If any person so offering to vote shall take such oath, his vote shall be received; and if such oath shall be knowingly false, the person taking it shall be deemed guilty of perjury, and shall, upon conviction thereof, be punished under the law fixing a penalty for perjury.

SEC. 29. There shall be provided and kept by judges of each election precinct, (at the expense of the county,) a substantial ballot box, with lock and key; there shall be an opening through the lid of such box of sufficient size to admit a single folded ballot. Before opening the polls the judges shall examine such box that nothing may remain therein; it shall then be locked and the key thereof delivered to one of the judges to be designated by the others, after which such box shall not be opened during the election.

SEC. 30. When a ballot shall be received, one of the judges, without opening the same or permitting it to be opened or examined (beyond determining whether the same be double), shall deposit it in the box. It shall be the duty of each judge or clerk of the election to challenge all persons whom he shall know or shall suspect as not being qualified voters.

SEC. 31. Each clerk shall keep a full list, which shall contain the names of all the persons voting at such election in their numerical order. In case of adjournment, each clerk shall keep his poll list, and the judges shall seal up the hole in the box; one of the judges taking the box, and another the key, and if any judge or clerk of election or other person shall open said box in any way, during such adjournment, he shall be deemed guilty of a misdemeanor, and punished, upon conviction thereof, with imprisonment not less than three nor more than nine months.

SEC. 32. As soon as the polls of the election shall be closed, the judges shall proceed immediately, publicly to canvass the vote given, and shall continue without adjournment until completed. The canvass must commence by a comparison of the poll lists, and they must be made to agree; the ballot box shall then be opened, and the ballots counted by the judges and clerks, unopened, and if there are more ballots than names upon the poll list, the ballots must be returned to the box, shaken up, and one of the judges shall draw from such box, ballots enough to make the remainder agree with the poll list, which ballots so drawn shall be destroyed; and ballots being found so folded as to bear the appearance of having been voted by one person, they shall not be counted, but preserved with the poll books; the poll list and ballots being made to agree, the judges and clerks shall then proceed to count and ascertain the number of votes cast for each person named upon such ballots; when the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such vote or votes, and the number he did receive, the numbers being expressed in words at full length, such entry to be made as nearly as circumstances will admit, in the following form, to-wit: "At an election held at the house of \_\_\_\_\_, in \_\_\_\_\_ precinct, in the county of \_\_\_\_\_, and Territory of Wyoming, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_, the following named persons received the number of votes annexed to their respective names, for the following described offices, to-wit: \_\_\_\_\_ had \_\_\_\_\_ votes for delegate to congress; \_\_\_\_\_ had \_\_\_\_\_ votes for council; \_\_\_\_\_ had \_\_\_\_\_ votes for house of representatives; \_\_\_\_\_ had \_\_\_\_\_ votes for sheriff; \_\_\_\_\_ had \_\_\_\_\_ votes for county clerk; \_\_\_\_\_ had \_\_\_\_\_ votes for county treasurer; \_\_\_\_\_ had \_\_\_\_\_ votes for county commissioner; \_\_\_\_\_ had \_\_\_\_\_ votes for probate judge; \_\_\_\_\_ had \_\_\_\_\_ votes for county superintendent; \_\_\_\_\_ had \_\_\_\_\_ votes for coroner; \_\_\_\_\_ had \_\_\_\_\_ votes for surveyor; \_\_\_\_\_ had \_\_\_\_\_ votes for county assessor; \_\_\_\_\_ had \_\_\_\_\_ votes for county attor-

ney; \_\_\_\_\_ had \_\_\_\_\_ votes for justice of the peace; \_\_\_\_\_ had \_\_\_\_\_ votes for constable. Certified by us, A. B., C. D., E. F., judges of election. Attest, G., H., I., J., clerks of the election.” And as soon as all the votes shall have been read off and counted, the judges or board of election shall make out a certificate under their hands as provided in this section.

SEC. 33. The judges of the election shall then inclose and seal one of the poll books under cover, directed to the county clerk of the county in which such election is held, and the packet, thus sealed, shall be conveyed by one of the judges or clerks of election to be determined by lot, if they cannot agree otherwise, and delivered to the said county clerk of the county, at his office, within fourteen days from the closing of the polls. And if any judge or clerk of an election, after having been deputed by the judges of the election at which he served as judge or clerk, to carry the poll book of such election to the county clerk of the county, shall fail or neglect to deliver such poll book to the said county clerk, within the time prescribed by law, safe, with the seal unbroken, he shall, for every offense, forfeit and pay the sum of five hundred dollars, for the use of the county, to be recovered in the name of the commissioners of the county, by an action of debt, in any court of competent jurisdiction; *Provided*, That informality in the delivery of the poll books, as directed by this section, shall not invalidate the vote of any precinct.

SEC. 34. On the fifteenth day after the close of the election, or sooner, if all the returns be received, the county clerk of the county taking to his assistance two justices of the peace of his county, shall proceed to open the said returns and make abstracts of the votes in the following manner: The abstract of votes for delegate to congress, shall be in one sheet, and the abstract of votes for members of the council and house of representatives of the legislative assembly shall be on another sheet, and the abstract of votes for county officers shall be on another sheet; and it shall be the duty of the said county clerk of the county immediately to make out a certificate of election to each of the persons having the highest number of votes for county offices respectively, and deliver such certificate to the person entitled to it, on his making application for that purpose to the county clerk at his office.

SEC. 35. It shall be the duty of the county clerk of each county, on the receipt of the election returns of any general or special election, to make out his certificate, stating therein the compensation to which the judges and clerks of each election may be entitled for services, and lay the same before the board of county commissioners at their next meeting; and the said board shall order the compensation aforesaid to be paid out of the county treasury.

SEC. 36. The county clerk of the county, immediately after making out abstracts of the votes given in his county, shall make a copy of such abstract, and transmit the same by mail or by some safe conveyance, to the office of the Secretary of the Territory.

SEC. 37. If the returns of the election of any county in this Territory shall not be received at the office of the secretary of the Territory within thirty days after the election, the said secretary shall forthwith send a messenger to the county clerk of such county, whose duty it shall be to furnish such messenger with a copy of such return; and the said messenger shall be paid out of the Territorial treasury, the sum of five dollars per day, and fifteen cents per mile for each mile he shall necessarily travel in going to and returning from the office of said clerk.

SEC. 38. The secretary of the Territory, auditor, treasurer, or any two of them, in the presence of the governor, shall proceed, within thirty days after the election, and sooner, if all the returns be received, to canvass the vote given for all Territorial officers and members of the Council and House of Representatives, and the governor shall give a certificate of election to the persons having the highest number of votes for each office. In case there shall be no choice, by reason of any two or more persons having an equal number of votes for the same office, the governor shall call a special election in the manner provided for by law. If any judge of the election, or clerk, or any other officer or person, in any manner concerned in conducting the election, shall wilfully neglect, improperly delay, or refuse to perform, any of the duties required by this act, after having undertaken to perform such duties, he shall forfeit and pay to the Territory the sum of fifty dollars; and if any such judge of the election, clerk, or other officer or person, in anywise concerned in conducting the election, shall knowingly admit any person to vote not qualified according to law, or shall knowingly receive and count more than one vote from one person at the same election, for one office, or shall be guilty of fraud, corruption, or partiality, or manifest misbehavior in any matter or thing relating to said election, each and every person so offending shall forfeit and pay to the county the sum of one hundred dollars, to be recovered in any court of record in the Territory, for the use of the county in an action of debt, with costs of suit, or at the suit of any person who may sue for the same, one-half for the use of the person suing, and the other half for the use of the county; and every such person so offending shall, on conviction, be rendered incapable of holding any office within this Territory.

SEC. 39. If any judge or judges of election shall refuse to receive the vote of any elector, according to the first section of

this act, who shall comply, or offer to comply, with the provisions of this act, then every judge, or the judges, so refusing, or neglecting to receive the vote of the person aforesaid, and to record it as a legal vote, shall be liable to be indicted, and, on conviction, be fined five hundred dollars, and imprisoned not exceeding thirty days.

SEC. 40. If the county clerk shall neglect or refuse to perform the duties as pointed out in this act, he shall be liable to be indicted, and, on conviction, shall be fined in a sum not exceeding five hundred dollars, and imprisoned not exceeding thirty days.

SEC. 41. If any person shall mutilate or erase any name, figure, or word in a poll book taken or kept at any election, or if any person shall take away such poll book from the place where it has been deposited for safe keeping, with an intention to destroy the same, or to procure, or prevent the election of any person; or if any person shall destroy any poll book so taken and kept at any election, he or she shall be liable to be indicted, and, on conviction, shall be fined not exceeding five hundred dollars, and imprisoned not exceeding sixty days in the county jail.

SEC. 42. No mere irregularity in the form of oath administered to any judge or clerk of election, or in certifying the same, or in signing or returning the statement of the result of any election, or any other irregularity in the manner of conducting any election, shall authorize the county board of canvassers in throwing out the vote of any precinct, but the vote returned shall be counted by the board of county canvassers, unless said improprieties are such as to bear evidence of fraudulent practices, in which case the vote shall not be counted, but a record of all the facts pertaining to such irregularities shall be made by such board, and filed with the register of deeds.

### TITLE III.

SEC. 43. If any person shall be defeated for any office by the rejection of any vote of a precinct, or precincts, such person, or any elector of the proper county, or council, or representative district, may contest the validity of such rejection, or the right of any person proclaimed duly elected to his seat in the council or House of Representatives. Such person shall give notice thereof in writing to the person whose election he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty days after the vote of the election shall have been canvassed by the Territorial board of canvassers, expressing the points on which the same will be contested, and the names of two justices of the peace, who will officiate at the

taking of the depositions, and when and where they will attend to take the same; and such notice shall be served at least ten days before the day so pointed out therein for the taking of the deposition.

SEC. 44. That the said justices, or either of them, shall have power, and are hereby authorized and required, to issue subpoenas to all persons whose testimony may be required by either of the parties, and the said two justices, when met, shall hear, and certify under seal, all testimony relative to such contested election, to the presiding officer of the branch of the Legislative assembly, where the person whose seat is contested may be returned, to [be] served at the next session.

SEC. 45. That no person shall contest the election of any member of the council or house of representatives, unless he is an elector of that county or district, from which the person is returned to serve; no testimony shall be received by the justices on the part of the person contesting the election, which does not relate to the point specified in the notice, a copy of which notice shall be delivered to the said justices, and by them transmitted to the presiding officer of that branch of the legislative assembly where the contest is to be decided, with the other documents.

SEC. 46. That the method to be pursued in contesting the elections of persons declared duly elected sheriff, coroner, county recorder, county treasurer, county commissioner, or county assessor, or other county officers, shall, in every respect, be similar to the method directed as aforesaid to be pursued in contesting the election of members of the council and house of representatives of the legislative assembly, save only that the testimony taken as aforesaid, and all matters relative to such contest, shall be sent to the probate court of the proper county, on or before the second day of the term next ensuing the thirty days allowed in which to take depositions, by the preceding sections; and the said probate court, at the said first term after thirty days shall have expired, shall hear and determine the contest.

SEC. 47. That if any officer charged with any duties under this act, shall refuse or neglect to perform the duties required of him by this act, according to the true intent and meaning thereof, he shall, on conviction thereof, before any court having cognizance to that amount, be fined in any sum, at the discretion of the court, not exceeding two hundred dollars.

SEC. 48. Any person who shall vote in this Territory, who has not been a resident thereof ninety days immediately preceding the election, or who at the time of the election is not twenty-one years of age, he knowing the same, or is not a citizen of the United States, or declared his intentions to become such, as provided by law, he knowing the same, shall, on conviction thereof,

be imprisoned in the penitentiary and kept at hard labor not less than six months, nor more than three years.

SEC. 49. Any person who shall procure aid, assist, or advise another to go into any county for the purpose of giving his vote therein, knowing that such other person is not qualified to vote in such county, shall, on conviction thereof, be fined in a sum not exceeding one hundred dollars.

SEC. 50. Any person who shall, after the opening of the polls, fraudulently put a ballot or ballots, or ticket or tickets, into the ballot box, shall, on conviction thereof, be imprisoned in the penitentiary and kept at hard labor not less than one year, nor more than three years.

SEC. 51. When any person's vote shall be received after having taken the oath prescribed in this act, it shall be the duty of the clerk of the election to write on the poll-book, at the end of the name of such person, the word "sworn."

SEC. 52. Any judge of the election who shall, after the opening of the polls, put a ballot or ticket into the ballot box, except his own, or such as may be received in the regular discharge of his duty, shall, on conviction thereof, be imprisoned in the penitentiary, and kept at hard labor not less than five years, nor more than ten years.

SEC. 53. That all fines and penalties imposed by this act, shall be recovered with costs of suit in an action of debt for the use of the county.

SEC. 54. This act shall take effect and be in force from and after its passage.

Approved, December 10, 1869.

[NOTE.—Section 1, Title 1, was altered by Act of December 11th, 1875, *Vide* first Section of next succeeding act.—COMPILERS.]

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AN ACT to Fix the time of Holding General Elections.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

SECTION 1. That hereafter there shall be held, in the several voting precincts of this Territory, on the Tuesday next after the first Monday in November, eighteen hundred and seventy-six (1876), and every two years thereafter, a general election, at which the following officers shall be chosen, that is to say: Delegate in Congress, sheriff, county clerk, probate judge, county treasurer, prosecuting attorney, county commissioners, superintendent of schools, coroner, surveyor, assessor, justices of the peace, constables.

SEC. 2. That all county officers elected at any general election shall qualify and enter upon the discharge of their respective duties upon the first Monday in January immediately following such general election.

SEC. 3. That all acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, Dec. 11, 1875.

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AN ACT Prohibiting the Establishment of Election Precincts upon Military Reservations within the Territory of Wyoming.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming :*

SECTION 1. Hereafter, there shall be no election precincts or voting places for any election, either general, or special, established, or polls held, within the limits of any military reservation within the Territory of Wyoming, or in any other place or building in said Territory which may be under the sole and exclusive jurisdiction of the United States of America.

SEC. 2. The county commissioners of any county in this Territory in which a military reservation is located, shall ascertain the most suitable place near such reservation for an election precinct or voting place, and shall establish at such place a precinct, or place for voting, for the convenience of the legal voters upon such reservation: *Provided*, That where a precinct or voting place in any county has heretofore been established within five miles of any military reservation, the legal voters thereon shall continue to vote at such precinct or voting place until a change shall be made by the county commissioners of such county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, December 2, 1875.

# SCHOOL LAWS.

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AN ACT Providing for the Organization of School Districts, Schools, and other Purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*

*Superintendent of Public Instruction.*

SECTION 1. The Territorial librarian shall be *ex officio*, superintendent of public instruction, and shall perform all the duties which, by this act, or any law of the Territory, pertain to that office.

SEC. 2. The duties of superintendent shall be as follows: He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year, separately, hold the same in readiness to be exhibited to the governor, or to any committees of either house of the legislative assembly; and shall keep a fair record of all matter pertaining to the business of his office. He shall have a general supervision of all the district schools of the Territory, and shall see that the school system is, as early as practicable, put into uniform operation. He shall prepare and have printed, suitable forms for all reports required by this act, and shall transmit the same, with such instructions in reference to the course of studies as he may judge advisable, to the several officers entrusted with their management and care. He shall make all further rules and regulations that may be necessary to carry the law into full effect, according to its spirit and intent, which shall have the same force and effect as though contained herein. He shall make a report to the legislative assembly on the first day of each regular session thereof, exhibiting the condition of public schools, and such other matters relating to the affairs of his office as he may think proper to communicate.

SEC. 3. One copy of all books, maps, charts, or school apparatus, which may be received by the superintendent of public instruction, from publishers, inventors, or manufacturers, shall be placed by him in the public library of this Territory.

SEC. 4. The superintendent of public instruction shall also have power to grant certificates of qualification to teachers of proper

learning and ability, to teach in any public school in the Territory, and to regulate the grade of county certificates.

SEC. 5. The Territorial superintendent of public instruction, with the several county superintendents, shall hold annually at some convenient place, a Territorial teachers' institute, for the instruction and advancement of teachers; said institute not to continue less than four days, and not to exceed ten days, which institute shall be free to all teachers, and those preparing to teach in this Territory; which institute shall be assembled on the second Monday in August of each year, and may also be attended by the county superintendents of schools. It shall be the duty of said institute, during its sittings, to discuss and decide upon a series of books and a system of education which shall be uniform throughout the Territory; and it shall be the duty of the Territorial superintendent to see that the books and system decided upon shall be introduced in all the schools of the Territory, to the exclusion of all others; *Provided*, That the series of books so adopted shall not be changed oftener than once in three years; *And provided further*, That such change of books shall not be made except upon the vote of a majority of the board.

SEC. 6. The compensation of superintendent of public instruction for his services shall be the sum of four dollars per day, not to exceed thirty days in any one year, for time spent in the discharge of his official duties, his traveling expenses, actually and necessarily incurred, and the expense of procuring blank forms, postage, stationary, and such books as are necessary for the use of his office, all of which allowances shall be paid by the Territorial treasurer, on their presentation in an account duly certified and sworn to before some one authorized by law to administer oaths.

*County Superintendent of Schools.*

SEC. 7. The duties of county superintendent of schools shall be as follows: He shall, on the first Monday of October of each year, transmit to the superintendent of public instruction a report, containing an abstract of the several particulars set forth in the reports of the district clerks, together with a statement of the financial affairs of his office, and such suggestions as he may think proper to make relative to the schools of his county. He shall distribute to the district officers within his county, such blank forms, circulars and other communications as may be transmitted to him, for that purpose, by the superintendent of public instruction. On the first Monday in December, annually, he shall apportion the county school tax, and all money in the county treasury belonging to the county school fund, among the several school districts of his county, in proportion to the number of pupils in attendance in the schools of said district, reported to him by the

several district clerks and shall record a statement thereof in his office, and shall also notify the county treasurer of such apportionment. He shall immediately draw an order on the county treasurer in favor of the treasurer of each district, for the amount of its proportion, and transmit the same to the treasurer of the district, which draft the county treasurer shall pay to the district treasurer upon presentation of the draft properly indorsed. He shall divide the settled parts of the county into school districts, and may alter and change the boundaries of districts thus formed, from time to time, as the convenience of the inhabitants of the aforesaid districts may require; and shall proceed to make such change at any time when petitioned by two-thirds of the legal voters of any district. He shall examine every person offering himself or herself as teacher of public schools, and if, in his opinion, such person is qualified to teach a public school, shall give him, or her, a certificate, authorizing him or her to teach a public school in his county for one year. Whenever practicable; the examination of teachers shall be competitive, and the certificate shall be graded according to the qualifications of the applicant. He shall have the general superintendence of the schools in his county, and shall visit each school at least twice each term, and shall have power to dismiss all teachers he may find to be incompetent.

SEC. 8. Should he fail to make his reports, as required in the foregoing section, he shall forfeit the sum of one hundred dollars, and suit shall be brought on his official bond for the collection of the same, with damages, by the prosecuting attorney.

SEC. 9. He shall see that the annual reports of the clerks of the several school districts in his county are made correctly and in due time, and shall hear and determine all appeals from the decision of the district boards.

*School Districts—Organization Powers.*

SEC. 10. Whenever a school district shall be formed in any county, the county superintendent of schools in such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries and stating the number thereof, and appointing a time and place for the district meeting. He shall cause the the notice, thus prepared, to be posted in at least five public places in the district, at least ten days before the time appointed for such meeting; and when a joint district is derived from portions of two or more counties, the county superintendents of each county, from which any portion of the new district is taken, shall unite in giving the customary notices, and the new district shall be numbered by the superintendent of the county having the highest number of districts.

SEC. 11. A majority of the voters in any school district, being

dissatisfied with the formation of any school district, shall have the right to appeal from the superintendent to the board of county commissioners, and from the board of county commissioners to the superintendent of public instruction.

SEC. 12. All citizens over the age of twenty-one years, who have resided for thirty days within such district, and who are liable to pay school tax therein, or in the county, and none others, shall be deemed qualified electors at school meetings held within such district; *Provided*, That, after the first year of the organization of any school district, no person shall be deemed a qualified elector at any such meetings, who, being liable to pay a school tax therein, or in the county, in the year preceding, hath failed to pay the same.

SEC. 13. The qualified electors of a district, when assembled in accordance with the notice required in the foregoing section, shall organize by appointing a chairman and secretary who shall act as judges of the election, and the name of each elector shall be recorded by the secretary. They shall then, by ballot, elect three trustees, one to hold his office until the next succeeding annual district election, one to hold his office until the second succeeding district election, and one to hold office until the third succeeding annual election; they shall hold their office during the terms for which they are elected respectively, and until their successors are elected and qualified. The trustees shall constitute a board of directors for the district, and shall, as soon as they are qualified, choose from their number a director, treasurer, and clerk of the district.

SEC. 14. Said directors shall, within ten days after their election, appear before some justice of the peace, and take an oath for the faithful performance of their duties; and, in case they fail to do so, they shall each forfeit the sum of twenty-five dollars for the use of the school dsitriect.

SEC. 15. Each school district formed under the provisions of this act, is hereby declared to be a body corporate by the name and style of school district, No. —, in the county of —, and Territory of Wyoming; and in that name it may hold property, and be a party to suits and contracts.

SEC. 16. The regular meeting of each school district shall be held on the first Monday of May of each year. And, when present, the director and clerk shall preside as chairman and secretary of such meeting.

SEC. 17. The qualified electors of the district, when assembled, shall have power:

*First*, To appoint a chairman and secretary in the absence of the regular officers:

*Second,* To adjourn from time to time, as occasion may require;

*Third,* To determine the number of schools which shall be established in the district, and the length of time each shall be taught;

*Fourth,* To fix the site of each school house, taking into consideration in doing so, the wants and necessities of the people of each portion of the district;

*Fifth,* To vote such sum of money as the meeting shall deem sufficient for any of the following purposes: To supply any deficiency in the fund for the payment of teachers; to purchase or lease a suitable site for a school house, or school houses; to build, rent, or purchase, a school house or school houses, and to keep in repair and furnish the same with the necessary fuel and appendages; for procuring libraries for the schools, books, and stationery for the use of the board and district meetings; for purchasing books for indigent scholars, and to defray all other contingent expenses of the district;

*Sixth,* To direct the sale or other disposition to be made of any school house, or the site thereof, and of such other property, real or personal, as may belong to the district; and to direct the manner in which the proceeds arising therefrom shall be applied;

*Seventh,* To vote a sum not exceeding one hundred dollars in any one year, to procure a district library, consisting of such books as they may direct any person to procure;

*Eighth,* To delegate any or all powers contained in the foregoing specifications of the district board;

*Ninth,* To transact generally such business as may tend to promote the cause of education, in accordance with the provisions of this act.

SEC. 18. In voting money, the district meetings shall designate the respective objects for which the same is raised, and the amount to be raised for each object, and the aggregate amount shall be assessed and collected, as provided in this act.

SEC. 19. They may adopt rules of order, not incompatible with the provisions of this act, and the instructions of the superintendent of public instruction, for the government of district meetings, and may alter and change the same from time to time as occasion may require, and may prescribe the manner of taking the sense of the meeting upon any question; *Provided,* That the last specification shall not apply to the election of officers.

SEC. 20. In all cases where there are moneys belonging to the school house fund remaining in the hands of the district treasurer of any school district, and the board of directors thereof are satisfied that such moneys are not required to build a school house, or

school houses, in said district, or repair or furnish the same, such moneys may be transferred and accredited to the teachers' fund, and applied to the payment of teachers. And the board may also in like manner transfer a surplus of the teachers' fund to the fund for building school houses when required.

SEC. 21. There shall be elected, in each organized school district, at the regular annual district meeting, on the first Monday of May of each year, one trustee, who shall hold his office for three years, and until his successor is duly elected and qualified. If, for any reason, the annual election should not be held at the regular meeting, a special meeting for that purpose may be held. The trustees together, constitute a board of directors for the district and shall elect from their number a director, treasurer and clerk of the district; and at the first annual election, there shall be three trustees elected, one to hold his office for the term of three years, and one to hold for the term of two years, and one for the term of one year, and thereafter there shall be one trustee elected annually for the term of three years, and thereafter at each of such meetings, one trustee shall be elected as aforesaid, as successor to the outgoing members of the board.

SEC. 22. Said directors shall qualify in the manner prescribed for directors elected upon the formation of a new school district; and in case they refuse or neglect so to do, they shall be subject to the same penalty.

SEC. 23. The board of directors may hold such regular, special, or adjourned meetings as they may from time to time determine.

SEC. 24. The district board shall make all contracts, purchases, payments and sales, necessary to carry out every vote of the district, for procuring any site for a school house, renting, repairing, or furnishing the same, and disposing thereof, or for keeping a school therein, and performing such other duties as may be delegated to them by the district meeting.

SEC. 25. The district board shall have power to admit scholars from adjoining districts, and remove scholars for disorderly conduct, and when scholars are admitted from other districts, the district board may, in their discretion, require a tuition fee from such scholars.

SEC. 26. The district board shall require the treasurer to give bond to the district in such penalties, and with such securities, as in their opinion will secure the district against loss, conditioned for the faithful application of all moneys which may come into his hands by virtue of his office; said penalty may be increased from time to time, as the interest of the district may require. The bond shall be filed with the director of the board, and in case of a breach of the condition thereof, he shall bring suit thereon in the name of the district.

SEC. 27. In each organized district, they shall act as judges of all district elections.

SEC. 28. They shall, from time to time, examine the books and accounts of the treasurer, and make settlement with him, and shall, at each regular meeting of the district, present to the same a full statement of the receipts and expenditures of the district, and such other matters as may be deemed important.

SEC. 29. They shall appoint a committee from their own body to visit the respective schools of the district monthly, and to aid the teachers in establishing and enforcing rules for the government of schools, and see that the teachers keep a correct list of the pupils, the time which they attend school, the branches of learning which each is studying, and such other matters as may, in the opinion of the board, tend to promote the welfare of the school.

SEC. 30. They shall audit and allow all just claims against the district, and the directors shall draw an order for all demands thus audited, on the district treasurer.

SEC. 31. They shall, upon the written request of five legal voters of the district, or, whenever they deem it expedient, call special meetings thereof; but in all such cases, the notice of such meeting shall clearly state the precise object for which it is called, and the time and place at which it is to be held.

SEC. 32. Should a vacancy occur in the board, they may fill the same by appointment, unless it is deemed expedient to call a special meeting of the district for that purpose.

SEC. 33. The county superintendent and district board of directors, may determine whether a school of a higher grade shall be established in the district, the number of teachers to be employed, and the course of instruction to be pursued therein, until the meeting of the teachers' institute, provided for in section five of this act, at which time the institute shall determine the studies to be pursued in all schools of like grade in the Territory; and the superintendent of public instruction shall have the same power to carry into effect the determination of the institute, as is provided in other cases; and the board may erect, for the purpose, one or more permanent school houses, and shall cause such classification of the pupils as they may deem necessary; but in selecting the site for such school house, or school houses, the permanent interest and future welfare of the people of the entire district shall be consulted.

SEC. 34. Where there are fifteen or more colored children within any school district, the board of directors thereof, with the approval of county superintendent of schools, may provide a separate school for the instruction of such colored children.

SEC. 35. The district board shall employ all teachers necessary for the schools of the district, and pay them by draft on the treasurer.

SEC. 36. The district schools established under the provisions of this act, shall, at all times, be equally free and accessible to all children resident therein, over six and under the age of twenty-one years, subject to such regulations as the district board in each may prescribe. And it shall be the duty of all parents and guardians, or other persons having the control of children between the ages above mentioned, to send such children to some school, at least three months in each and every year, except in case of invalids, and others, to whom the school room would be injurious. In such cases, the district board shall, upon receipt of a physician's certificate, excuse such children; and the district board may, in its discretion, excuse children from attendance when a compliance with this act would work great hardship. In all such cases the clerk of the board shall state the reason for excuse, and the name of the child or person excused, and the length of time for which excused, at large in the minutes of the proceedings of the board; *Provided*, That in all cases the applicant may appeal from the decision of the board to the county superintendent, whose decision shall be final.

SEC. 37. Any parent or guardian, or other person, having children in their charge between the ages of seven (7) and sixteen (16) years, who shall neglect or refuse to comply with the provisions of this act, shall, on conviction, be punished by a fine not exceeding twenty-five dollars, for each and every offense.

*District Officers and their Duties.*

SEC. 38. The director, when present, shall preside at all meetings of the board of the district, and countersign all orders on the treasury for the payment of money.

SEC. 39. All drafts and orders drawn on the district treasurer, as required in the foregoing section, shall specify the fund on which they are drawn, and the use for which the money is designed, and shall be signed by the district clerk.

SEC. 40. The director shall appear in behalf of his district, in all suits brought by or against the same; but when he is individually a party, this duty shall be performed by the clerk.

SEC. 41. The clerk shall record all the proceedings of the board, and of the district meetings, in separate books to be kept for that purpose; he shall preserve copies of all reports made to the county superintendent; shall file all papers transmitted to him by other school officers, pertaining to the business of the district; and shall sign all drafts, warrants and orders drawn by him.

SEC. 42. He shall keep an accurate account of all the expenses incurred by the district, and shall present the same to the district board, to be audited and paid as herein provided, out of the school fund.

SEC. 43. He shall give ten days' previous notice of all regular and special meetings of the district, as herein authorized, by posting up a written notice in three different places therein; and shall furnish a copy of the same to the teachers of each school in the district, to be read once in the presence of the pupils thereof.

SEC. 44. The district clerk shall, on the first Monday of September in each year, submit a report to the county superintendent, for the year past, then ending:

*First*, Of the number of schools taught in such district, the number of days each scholar attended the same, and the aggregate number of days of attendance of said schools respectively, as certified by the teachers of the several schools of such district;

*Second*, The number of schools, and the branches taught in each;

*Third*, The number of pupils in each school, and of each sex;

*Fourth*, The number of teachers employed in each school, and the average compensation of each per month;

*Fifth*, The number of days the school has been taught, and by whom;

*Sixth*, The average cost of tuition for a pupil, per month, in each school;

*Seventh*, Books used in each school;

*Eighth*, The number of volumes in the library of each school;

*Ninth*, The aggregate amount paid teachers during the year, the source from which the same was received, and the amount of the teachers' fund in the hands of the treasurer;

*Tenth*, The number of district school houses, and the cost of each;

*Eleventh*, The amount raised in the district by tax for the erection of school houses, and for other purposes, authorized in this act, and such other information as he may deem useful.

SEC. 45. Should the clerk fail to file his reports, as above directed, he shall forfeit the sum of twenty-five dollars, and shall be liable to make good all loss resulting to the district from such failure, suit to be brought in both cases by the director, in the name of the district, on his official bond.

SEC. 46. The treasurer shall have the custody of all moneys belonging to the district, and shall pay out the same upon the order of the clerk, countersigned by the director; and shall keep

an account of the receipts and expenditures thereof, in a book provided for that purpose.

SEC. 47. The moneys for the payment of teachers shall be called the "teachers' fund," and the treasurer shall keep distinct and separate accounts with them; and no warrant for money shall be paid by the treasurer which does not specify the fund on which it is drawn, and the specific use to which it is to be applied.

SEC. 48. The school house fund shall consist only of taxes collected in the district; and all other school moneys belonging to the district shall go to the teachers' fund, and shall be applied to no other use except to pay the wages of school teachers in the district.

SEC. 49. The treasurer shall apply for, and receive all money apportioned to the district, by the county superintendent, when notified of said apportionment.

SEC. 50. He shall render a statement of the finances of the district, as shown by the records of his office, at any time when required by the district board.

#### *School Tax.*

SEC. 51. The county commissioners shall, at the time of levying tax for county purposes, cause to be levied a tax for the support of schools within the county, of two mills on the dollar, of the assessed value of all taxable property, real and personal, within the county, which shall be collected by the county collector, at the same time, and in the same manner as Territorial and county taxes are collected, with the exception that it shall be receivable in cash or warrants of the school. The county treasurer shall, at all times hold, subject to the draft of the proper officers, all moneys belonging to teachers' or school house fund.

#### *Collection of Taxes.*

SEC. 52. Whenever a sum of money has been voted by a district, the clerk shall, under the supervision of the director, make out and certify, over his official signature, the amount of money voted in his district, and on or before the first Monday of June, in each year, cause the same to be filed in the office of the clerk of the board of county commissioners. The clerk shall also, at the same time, notify the county assessor, in writing, of the action of the district meeting. The county assessor shall, at the time of making the county assessment, also assess the property of each district from which he has received notification as aforesaid, and return to the county clerk, at the time of returning the county assessment roll, a separate roll of each district by him assessed, for which services he shall receive five dollars per day for the time

actually employed in making such assessment, which sum shall be paid out of the treasury of each district so assessed.

SEC. 53. It shall be the duty of the board of county commissioners to see that the amount of money so voted, be extended by the clerk against the property of the district, in making out the annual tax list, and that sufficient tax be levied upon the property of such district, returned by the county assessor, to make said sum.

SEC. 54. The taxes and assessments of all school districts for all purposes, except as otherwise specially provided by law, shall be collected like county taxes, and all delinquent taxes shall be returned by the collector in the same manner as other delinquent taxes are required by law to be returned.

SEC. 55. The amount of tax collected by the county collector shall be paid over to the county treasurer like other taxes, and shall be held by said county treasurer subject to the draft of the county superintendent, and shall be paid over accordingly; *Provided*, That the money collected on the district tax rolls shall be paid by the collector directly to the treasurer of the proper district, and take his receipt therefor.

#### *Miscellaneous Provisions.*

SEC. 56. It shall be the duty of the teacher of every district school, or graded school, to make out and file with the district clerk, at the expiration of each term of the school, a full report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the names of such scholars, the number of days each scholar attended the same, the aggregate number of days' attendance of said schools, the text books used, the branches taught and the number of pupils engaged in the study of each of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section shall forfeit his or her wages for teaching such school, at the discretion of the district board.

SEC. 57. Every school district clerk, or treasurer, who shall neglect or refuse to deliver to their successors in office, all records and books, belonging severally to their offices, shall be subject to a fine not exceeding five hundred dollars.

SEC. 58. In all cases where suits may be instituted by, or against, any of the school officers contemplated or created by this title, to enforce any of the provisions herein contained, counsel may be employed, if necessary, by the officer instituting the suit, and the expense of the suit shall be borne by the district, county or Territory in whose name, or against whom, the same may be instituted.

SEC. 59. All fines, penalties and forfeitures provided by this act, may be recovered by action in the name of the people of the Territory of Wyoming, for the use of the proper school district or county, and when they accrue, belong to the respective districts or counties in which the same may have accrued; and the district treasurer for their districts, and the county commissioners of their counties, are hereby authorized to receive and apply the proceeds of such forfeitures as the interest of the permanent fund is now, or may hereafter be, applied.

SEC. 60. Any officer, or person collecting or receiving any fines, forfeitures or other moneys, and refusing and failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five per cent. per month, during the time of so withholding the same.

SEC. 61. Every county superintendent shall be paid a salary of two hundred dollars, payable quarter yearly out of the county treasury, in addition to allowance for expense in purchasing books, stationery, &c., necessary to said office; traveling expenses incurred in the discharge of his official duties, an account of which expense shall be made out by him quarterly, and signed and sworn to, and laid before the county commissioners at their meetings, who, after examining the same, if found correct, shall issue on the county treasury, warrants for the amount due.

SEC. 62. In the employment of teachers, no discrimination shall be made in the question of pay on account of sex, when the persons are equally qualified.

SEC. 63. That an act entitled "an act providing for the organization of school districts, schools, and for other purposes," being chapter seven of the laws of Wyoming, 1869, approved December 10, 1869, also an act to amend an act entitled "an act providing for the organization of school districts, schools, and for other purposes," which became a law December 14, 1871, be, and the same are hereby repealed.

SEC. 64. This act shall take effect and be in force from and after its passage.

Approved, December 12, 1873.

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[NOTE.—Sections 5, 6, 7, 13, 21, 36, 44, and 61, were amended to read as above, by act approved December 11th, 1875.—COMPILERS.]

# ASSESSMENT, ETC.

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AN ACT to provide a Territorial and County Revenue.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming :*

SECTION 1. There shall be levied and assessed upon the taxable real and personal property within this Territory in each year, the following taxes :

*First*, For Territorial revenue, two mills on the dollar, when no rate is directed by the Territorial board of equalization in time for the purposes of this act as hereinafter provided; but in no case shall the tax for Territorial purposes exceed three mills on the dollar ;

*Second*, For county revenue, for ordinary county expenses, not more than five mills on the dollar ;

*Third*, For county revenue, for support of the poor and lunatic purposes, not more than two mills on the dollar ;

*Fourth*, For repairing and constructing roads and bridges under direction of the county commissioners, not more than two mills on the dollar ;

*Fifth*, The county commissioners of each county shall levy a tax sufficient to defray the expenses of the district courts for their respective counties during each year :

*Sixth*, And, in addition to the above, they shall levy a poll tax of two dollars for county school purposes, and they may also levy a tax for the support of common schools, not to exceed two mills on the dollar; *Provided*, That the aggregate tax for Territorial and county purposes shall, in no case, exceed fifteen mills on the dollar per annum.

SEC. 2. The following described property is hereby exempt from taxation :

*First*, The property of the United States and of this Territory, the property of any county, townships, incorporated towns, and school districts, when devoted entirely to public use, public grounds, by whomsoever donated to the public, including all places for the burial of the dead ;

*Second,* Fire engines, and all implements used for extinguishing fires, with the grounds used exclusively for the buildings of a fire company or companies;

*Third,* All grounds and buildings of literary or scientific institutions incorporated under the laws of this Territory. Also the grounds and buildings of benevolent, agricultural and religious institutions or societies, devoted solely to the appropriate objects of these institutions, not exceeding three acres in extent, and not leased or otherwise used with a view to pecuniary profit;

*Fourth,* The books, papers, furniture and apparatus belonging to the above institutions, and used solely for the purposes above contemplated, and the like property of students in any such institutions, used for their education. Moneys and credits belonging exclusively to said institutions, and devoted solely to sustaining them, but not exceeding in amount or income the sum prescribed in their charter;

*Fifth,* Household and kitchen furniture, beds and bedding, wearing apparel of every person, wool, flax and tow, intended to be manufactured, and the food provided for each family, not to exceed in all, the value of one hundred dollars;

*Sixth,* The polls of all persons who have arrived at the age of fifty years.

SEC. 3. All other property, real and personal, within this Territory, is subject to taxation in the manner herein directed, and this section is intended to embrace lands and lots in towns including lands bought from the United States, whether bought on a credit or otherwise; buildings or improvements erected upon lands, the title of which still remains in the United States, or in any incorporated company. Ferries, franchises and toll bridges, all of which, for the purposes of this act, shall be considered real property. Horses and neat cattle, mules and asses, sheep, swine, goats, and all dogs, and other animals, money in bank bills, coin or gold dust, whether in possession or on deposit, property, money or labor, due from solvent debtors on contract, or on judgment, and whether within this Territory or not; mortgages and other like securities, stock or shares in any bank or company, incorporated or otherwise, and whether incorporated by this or any other Territory or State, and whether situated in this Territory or not; public stocks or loans, household furniture not otherwise exempt, including gold and silver plate, musical instruments, watches and jewelry, pleasure carriages, stages, hacks, omnibusses and other vehicles for transporting passengers, wagons, carts, drays, sleds, and every other description of vehicle or carriage, all real and personal property within this Territory, of every kind and description not heretofore enumerated, belonging to or claimed by any incorporated company, whether incorporated in this Terri-

tory or not, annuities—but not including pensions from the United States, or any State, nor salaries, nor payment expected for services to be rendered,—and all other property not above exempted, although not herein specified.

SEC. 4. The term “credits,” as used in this act, includes every claim and demand for money, labor or other valuable things; and every annuity or sum of money receivable at stated periods, and all money in property of any kind, and secured by deed, mortgage or otherwise; but pensions from the United States, or any State, and salaries or payments expected for services to be rendered, are not included in the above term.

SEC. 5. Every inhabitant of this Territory, of full age and sound mind, shall list or assist the assessor in listing all property subject to taxation in this Territory, of which he is hereinafter directed. The property of a ward is to be listed by the person having the property in charge; if a married woman, by herself or husband; if a beneficiary for whom property is held in trust, by the trustee, and the personal property of a decedent, by the executor; of a body corporate, company, society or partnership, whether incorporated or formed in this Territory, or not, by its principal accounting officer, local agent or partner in the county where the property is located; property under mortgage or lease, is to be listed by, and taxed to, the mortgagor or lessor, unless it be listed by the mortgagee or lessee; *Provided*, That in all cases where a railroad is located, and is being or has been constructed in, or through, any county of this Territory, either the president, secretary, general superintendent, division superintendent, general or local agent of any kind, of the corporation, company or associations of persons owning or using the same within the county, shall, on demand made by the county assessor of any county of this Territory, in or through which said road is being, or has been, or may hereafter be, constructed, be compelled to furnish such assessor with a statement in writing, under oath or affirmation, duly subscribed and sworn to, before some officer authorized by law to administer oaths, setting forth the length of said road in such county, and the value thereof, with a list of the property real and personal pertaining thereto, also the whole length of said road within this Territory, and the number of, and value of, all locomotives and cars, commonly known as “rolling stock,” used on said road within this Territory, an apportionment of value of such rolling stock shall be listed and assessed to such county, the same to be estimated according to the proportion which the portion in said county bears to the length of said railroad within this Territory. The assessor receiving such statement may avail himself of other evidence under oath, and is hereby authorized, for such purposes, to administer oaths relating to the matter of such assessment; *Provided*, Reasonable notice of the time and place of tak-

ing such evidence shall be served upon the person making such statement, or on some officer or agent of any kind, of the corporation or company, or upon the owners of said railroad.

SEC. 6. The demand and notice, mentioned in the preceding section, and elsewhere in this act, may be made by personal service on any of the officers, agents or other persons specified in said section, or by depositing in the post office such written demand or notice, properly inclosed in a letter, postage prepaid, and duly directed to such corporation, company or association of persons at the place of the principal office, or at any place of business of such railroad company, or at any place where the owners of such road may be engaged in business, and the word "railroad" and "road," when applied to railroads in this act, shall be held to include, in addition to the track of said railroad, the land owned [covered] by the right of way of such railroad, and all improvements of any kind, of said corporation, company or owners, thereon, and all personal property owned and used therewith.

SEC. 7. If any corporation, company, or persons owning such railroad, or officers or agents thereof, shall neglect or refuse to furnish a statement as heretofore required in this act, after having had either personal or written notice as specified in section five, the county assessor may proceed to make such assessment in the most available manner, and if any person, upon whom such demand is made, neglects or refuses to furnish such statement as required, he shall be subject to the penalty provided by this act for like cases.

SEC. 8. In all cases where service of demand or notice required by this act is made by letter, as heretofore specified, reasonable time shall be deemed to be double the length of time required for the usual transmission of letters by the United States mail from the place where the letter is deposited to the place where it is directed, and five days additional.

SEC. 9. All land or lands that may have been, or that shall hereafter be, acquired by any person, company or corporation, by reason, or as a result, or condition, of any treaty, grant or subsidy, whereby full and complete title and control to such land or lands shall have been obtained and possessed by such person, corporation or company, shall be subject to taxation as real property under the laws of this Territory.

SEC. 10. Commission merchants, and all persons trading and dealing on commission, and consignees authorized to sell, when the owner of the goods does not reside in the county, are, for the purposes of taxation, to be deemed the owners of the property in their possession, and shall list the average monthly amount of capital in trade since the last assessment.

SEC. 11. All personal property is to be listed, assessed and taxed, in the county where the owner resides during the time appointed for the assessment and collection of taxes each year, but if the owner resides out of the Territory, it is to be listed and taxed where it may then be, except as otherwise provided by this act, and if the agent or person having charge of such property neglect or refuse to list it, he shall be subject to the penalties hereinafter prescribed.

SEC. 12. Any person authorized as agent or attorney, or required in any way to list property for another, shall list it in the same county in which he would be required to, if it were his own, except as otherwise directed by law, but he shall list it separately from his own, naming the person or estate to whom it belongs, but the undivided property of a person deceased, may be listed as belonging to heirs, without enumerating them.

SEC. 13. When a person is doing business in more than one county, the property, and credits, existing in any one of the counties, shall be listed and taxed in that county, and the credits not existing in, or pertaining especially to the business in, any one county, shall be listed and taxed in that where the principal place of business may be. Any individual of a partnership, is liable for the taxes due from the firm.

SEC. 14. The property of corporations or companies, whether incorporated or formed in this Territory or not, constructing or owning canals, ditches, flumes, railways, telegraph lines, plank roads, graded roads, turnpike or toll-roads, bridges, ferries, and similar improvements, shall be assessed to the company or corporation, and may be ascertained by the assessor as provided for in this act in the case of railroads, or in the best manner within the power of such assessor.

SEC. 15. Insurance companies of every description, transacting business in this Territory, either by agents or other officers or persons, whether such company be incorporated or organized in this Territory or not, shall be assessed and taxed for Territorial and county purposes in the same amount and at the same rate that all other property is taxed, upon the amount of the premiums taken by them during the year previous to the listing, in the county where the agent conducts that business, and the agent shall render the list, and shall be personally liable for the tax, and if he refuses to render the list, or to swear as herein required, the amount may be ascertained and assessed as provided in this act, in the case of railroads and other corporations.

SEC. 16. Shares of stock, in all national banks, held by any person or persons in this Territory, shall be assessed at their par value, and the owner or owners thereof, shall be required to pay tax thereon, the same as though they were shares in banks chartered and incorporated by the laws of this Territory, or by the

laws of any other State or Territory; *Provided*, No discrimination shall be made between any national bank, or branch of any national bank or [and] any other bank doing a bank business in this Territory.

SEC. 17. All taxable property is to be listed and valued each year, and real property is to be assessed at its true value in money at private sale, having regard to its quality, locality, natural advantages, the general improvements in the vicinity, and all other elements of its value.

SEC. 18. Bank notes, and the stocks of corporations and companies, shall be assessed at their cash value, credits shall be listed at such sum as the person listing them believes will be received or can be collected, and annuities, at the value which the person listing believes them to be worth in money.

SEC. 19. In making up the amount of money and credits which any person is required to list, he will be entitled to deduct from the gross amount, the amount of all *bona fide* debts owing by him, but no acknowledgments of indebtedness, not founded on actual consideration, and no such acknowledgments made for the purpose of being so deducted, shall be considered a debt within the intent of this section, and so much only of any liability of any persons as security for another shall be deducted as the person making the list believes he is legally or equitably bound to pay, and so much only as he believes he will be compelled to pay, on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he, in whose behalf the list is made, will be bound to contribute, but no person will be entitled to a deduction on account of an obligation of any kind given to an insurance company for the premium of insurance, nor on account of an unpaid subscription to any institution or society, nor on account of a subscription to, or installment payable on, the capital stock of any company or corporation.

SEC. 20. Any person owning or having in his possession or control, within this Territory, with authority to sell the same, any personal property purchased either in or out of this Territory, with a view of being sold at an advanced price or profit, or which has been consigned to him from any place out of this Territory, for the purpose of being sold within the same, shall be held to be a merchant, for the purposes of this act; such property shall be listed for taxation, and in estimating the value thereof, the merchant shall take the average value of such property in his possession, or control, during the year next previous to the time of listing; and if he has not been engaged in that business so long, then he shall take the average during such time as he may have been so engaged; and if he be commencing, he shall take the value of the property at the time of listing.

SEC. 21. Any person who purchases, receives or holds personal property of any description, for the purpose of adding to the value thereof, by any process of manufacturing, refining, purifying, or by the combination of different materials, with a view of making gain or profit by so doing, and by selling the same, shall be held to be a manufacturer for the purposes of this act, and he shall list for taxation, the average value of such property in his hands, estimated as directed in the preceding section, but the value shall be estimated upon the materials, only, entering into the combination or manufacture.

SEC. 22. On the first Monday in May in each year, the board of county commissioners shall furnish each assessor with suitable books in duplicate, properly ruled and headed, in which to enter the following items :

*First*, The name of the individual, corporation, company, society, partnership or firm, to whom any property shall be taxable ;

*Second*, His or their lands by township, range, section or part of a section, and where such part is not a legal division or subdivision, some other description sufficient to identify it, and his or their town lots or parts of lots, naming the town in which they are situated, and their proper description by number and block, or otherwise, according to the system of numbering in the town ;

*Third*, His or their personal property by the following particulars : Amount of capital employed in manufactures ; amount of capital employed in merchandise ; number and value of horses ; number and value of mules and asses ; number and value of neat cattle ; number and value of sheep and goats ; number and value of swine ; number and value of carriages and vehicles of every description ; amount of money and credits ; amount of all personal or other property not herein enumerated ; other property not herein enumerated belonging to any corporation or company, whether incorporated in this Territory or not ; amount of clocks, watches, jewelry, gold and silver plate ; number and value of musical instruments ; amount of taxable household furniture ; amount of farming utensils and mechanics' tools ; amount in stock or shares in any corporation or company ; amount of all other property not enumerated ; the number of polls, and a column for remarks, and shall also provide the assessor with all necessary books and blanks required to carry out the provisions of this act.

SEC. 23. Each assessor shall enter upon the discharge of the duties of his office, as soon as furnished with the assessment roll by the county commissioners, as hereinbefore provided, and shall, with the assistance of each person required by law to list property for himself or for another, enter in the books furnished him for that purpose, all kinds of property specified in the preceding section, or that may be subject to taxation ; entering the names of

the persons assessed in alphabetical order, so far as practicable, by allotting to each letter its requisite number of pages in each of said books. He shall also enter in a separate column the number of adult persons, male and female, and the number of children, male and female, under the age of twenty-one years, in his county, and each assessor shall, on or before the first Monday in July in each year, return the assessment book, properly footed up, to the clerk of the board of county commissioners.

SEC. 24. It shall be the duty of the assessor to list each and every person in his county, and to assess all the property, real and personal, therein, as required in this act; and any person who shall refuse to assist in making out a list of his property, or of any property of which he is required by law to assist in listing, or refuse to make the oath or affirmation required by this act, shall forfeit the sum of two hundred dollars, to be recovered in the name of the county, by an action brought in the district court for such county, by the board of county commissioners; and when any person refuses to make out a list of his property, which, by law, he is required to do, the assessor shall assess such person according to the best information he can get as to the amount of such taxable property which such person has.

SEC. 25. The assessor is hereby required to administer the following oath or affirmation to each person assessed: "You do solemnly swear that you have given in a full and correct inventory of all taxable property owned by you, and all property held by you as agent, guardian or otherwise, which you are required by law to list, to the best of your knowledge and belief, so help you God." And in case any one refuses to take said oath, the assessor shall note the fact in the column of remarks opposite to such person's name; and should it afterwards appear that such person has not given in a full list of his property, or that under his control, any property so omitted, shall be entered on the book at double the ordinary assessed value of like property, and shall be taxed accordingly.

SEC. 26. Each assessor shall take and subscribe an oath, to be certified by the officer administering it, and attached to the assessment roll, which oath shall be in substance as follows: "I, A——— B———, of ——— county, solemnly swear that the value of all property, money and credits, of which a statement has been made and verified by the oath of the person required to list the same, [is] truly returned as set forth in such statement. That in every case where I have been required to ascertain the amount or value of the property of any person, corporation or company, I have diligently and by the best means in my power, endeavored to ascertain the true amount and value, and that, as I verily believe, the full value thereof is set forth in the annexed return; and that in no case have I, knowingly, omitted to demand of any person of

whom I was required to make it, a statement of the amount and value of his property, which he was required by law to list, nor in any way connived at any violation or evasion of any of the requirements of the law, in relation to the assessment of property for taxation.”

SEC. 27. That the assessor of each county shall receive for his services eight dollars per day for the time actually employed, and actual cost for transportation over railroads or stage lines, said claims to be audited by the county commissioners. If any assessor shall fail or neglect to perform any of the duties required of him by this act at the time and in the manner herein specified, he shall be liable to a fine of not less than twenty dollars, nor more than five hundred dollars, to be recovered in an action brought in the district court by the board of county commissioners. The judgment shall be against him and his sureties on his official bond.

SEC. 28. The board of county commissioners of each county, shall constitute a board for the equalization of the assessment of the several persons in the county, substantially in the same manner as is required by the Territorial board of equalization, to equalize among the several counties of the Territory, as near as may be, and they shall hold a special meeting at the office of the county clerk, at the county seat, within five days after return of the assessment roll in each year, and shall have the right to adjourn such meeting from day to day for not more than ten days, and at such meeting they shall add to said assessment any taxable property in the county not included in the assessment as returned by the assessor, and shall assess the value thereof, and shall hear and determine the complaint of all persons feeling aggrieved by the assessment of their property as returned by the assessor, and, for the purpose of equalizing the assessment roll, may increase, diminish, or otherwise alter and correct, any assessment; *Provided*, It shall be the duty of the clerk of the board of county commissioners of each county, to give notice to each person, company, or corporation whose assessment has been raised by the board of equalization, stating the amount of such “raise,” or increase of assessment, or the agent or agents, or any one of them, or the attorney of any person, company or corporation, affected by such “raise,” or increase of assessment, as aforesaid. Such notice may be given by personal service or by statement, either written or printed, postage pre-paid, and properly addressed to such person, company or corporation, or to the agent or agents, or attorney, or any one of them, either of whom may appear before the board of county commissioners, at their next regular meeting, and, upon evidence satisfactory to the board of county commissioners, that the assessment or any part thereof is unjust, or more than the actual cash value of such property so assessed, the board of county

commissioners shall abate such tax in proportion to such unjust erroneous assessment; *Provided*, It is evident to the board of county commissioners that no part of such claimant's taxable property has been omitted or undervalued in the original assessment, or by the board of equalization, for the year or years for which such claim or claims are made.

SEC. 29. Any person who may feel aggrieved at anything in the assessment of his property, may appear before the board of equalization, either in person or by agent, within the time mentioned in the preceding section, and have the same corrected in such manner as to said board shall seem just and equitable, and it shall be the duty of the assessor of each county, when assessing, to give each person assessed a printed notice of the time and place when and where said board of equalization is to meet, as heretofore specified.

SEC. 30. Immediately after the assessment roll is corrected by the board of equalization, the county clerk is required to make out an abstract thereof containing the whole number of acres of land listed in the county, and the aggregate value of the same; the total valuation of the town-lots, the whole number of horses and their total value; the whole number of mules and asses and their total value; the whole number of neat cattle and their total value; the whole number of sheep and their total value; the whole number of swine and their total value; the whole number of goats and their total value; the whole number of musical instruments and their total value; the whole number and value of clocks, watches, jewelry, gold and silverplate; the total amount of capital employed in merchandise; the total amount of capital employed in manufactures; the total amount of taxable household furniture; the total amount of taxable farming utensils, and mechanic's tools; total value of stock and shares in any corporations or companies; total number and value of carriages and vehicles of every description; total amount of all personal or other property, herein enumerated, belonging to corporations or companies; the gross amount of all other property returned not herein enumerated; the total amount of money and credits and the total amount of premiums of any and all insurance companies; a copy of which abstract, the clerk is directed to transmit forthwith to the auditor of the Territory; but the board of county commissioners are authorized to diminish or add to the above list, and to require such different, or further matters, to be returned as it deems advisable.

SEC. 31. The governor, treasurer and auditor of the Territory, or a majority of them, shall constitute a board of equalization of taxes for the Territory. They shall hold a session at the office of the governor, at the capital of the Territory, on the fourth Monday of July in each year, and it shall be the duty of said board

to examine the various assessments as far as regards the Territorial tax, and shall equalize the valuation of real property among the several counties and towns in the Territory in the following manner:

*First*, They shall add to the aggregate valuation of real property in each county, which they shall believe to be valued below its proper valuation, such per centum in each case, as will raise the same to its proper valuation;

*Second*, They shall deduct from the aggregate valuation of real property of each county, which they shall believe to be valued above its proper valuation, such per centum in each case as will reduce the same to its proper valuation.

SEC. 32. Said auditor shall keep a full record of the proceedings of said meetings; immediately after the adjournment of which, he shall transmit to the county clerk of each county, a statement of the per centum to be added to, or deducted from the valuation of real property in his county, and shall, on or before the second Monday of August in each year, notify each county clerk of the rate of Territorial tax that has been determined upon by said governor, treasurer and auditor, to be levied and collected in each county, which shall not exceed three mills on the dollar of valuation, and when the Territorial board of equalization fixes no different rate, or if, for any reason, the board shall fail to sit, or the county clerk should fail to receive the statement of the rate of tax ordered by them, by the second Monday of August in each year, then the rate first mentioned in this act shall be deemed to be levied for Territorial purposes, and the clerk of each county, in making up the tax list required by section thirty of this act, shall compute and carry out in the proper column, a Territorial tax, at the rate aforesaid. Any clerk failing to perform any duty enjoined upon him by this act, may be fined in any sum not less than five hundred dollars, nor more than three thousand dollars, to be recovered against him and his sureties by an action of debt in the name of the people of the Territory of Wyoming, and shall also be liable on his official bond to any person who may have suffered damage thereby.

SEC. 33. On the fourth Monday in August in each year, the board of county commissioners shall, by an order to be entered of record among the proceedings, levy the requisite taxes for the year, and the same may be levied at any time prior to the fourth Monday in August, if the statement and notice required by section thirty-two of this act has been received from the auditor. Immediately after the taxes are levied, the county clerk shall make out a tax list in tabular form and in alphabetical order, having distinct columns for lands, and for town lots, and their value, and for the value of personal and other property, and for carrying

out, in a column by itself, the amount of each different tax, and having one or more columns for delinquent taxes. Such list may be in the following form :

Owner's Name.	Part of Section.	Section.	Township.	Range.	Acres.	Name of Town.	Lots.	Block.	Value of. Real Estate.	Value of. Personal and Other Property.	Poll Tax.	Territorial.	County Tax.	Poor and Paupers.	Roads and Bridges.	District Court.	School Tax.	Delinquent.	Delinquent.	Remarks.
	Prs'ty. N. e. $\frac{1}{4}$	6	7	5	160							50	500	200	200	400	100			
	W. $\frac{1}{2}$	8	6	4	80					100	100	150	1500	600	600	1200	300			
	N. e. $\frac{1}{4}$											50	500	200	200	400	100			
												50	500	200	200	400	100			
												100	1000	400	400	800	200			

SEC. 34. An entry is required to be made upon the tax list, by the county clerk, in the form of a certificate, under seal, showing what it is, and for what county and year it is, and he shall also attach to this list his warrant, under his hand and official seal, in general terms requiring the collector to collect the taxes therein levied, according to law; and no informality in the above requirements shall render any proceeding for the collection of taxes illegal. The clerk is required to deliver the list, or cause the same to be delivered, to the collector of the county by the first Monday of September in each year, and the collector's receipt shall be taken therefor, and such list shall be full and sufficient authority for the collector to collect all taxes therein contained.

SEC. 35. The collector, on receiving the tax list and warrant, shall proceed immediately to collect the taxes therein levied, and the list and warrant thereto attached shall be his authority and justification against any illegality in the proceedings, prior to receiving the list. He shall be required to call upon, and demand from, each taxpayer named in the list the amount of his, her or their tax, as therein specified, before the first Monday of October, following his receipt of said list, and he is also authorized and required to collect, as far as practicable, the taxes remaining unpaid on the list of former years; the collector shall receipt to each person or corporation for the amount of tax received by him from them, specifying therein each kind of tax, and when the same was paid, and shall make the proper entries of such payment on the tax list.

SEC. 36. Territorial warrants are receivable for the full amount of taxes payable into the Territorial treasury; money, only, is receivable at the county treasury of the proper county for poll tax and school tax; all other county taxes may be paid in county warrants. When a Territorial or county warrant, of any kind, is received by the collector for taxes, he is directed to indorse on it the name of the person from whom he received it, the amount for which it was received, and the date thereof, and from that date the warrant is to be regarded as canceled, and cannot be re-issued, but when the county warrant amounts to more than is to be paid by the person presenting it for taxes, the collector will give him a certificate of the balance due him, which shall entitle him to another warrant on the same fund as the original warrant, on presentation of said certificate to the board of county commissioners.

SEC. 37. If, on the assessment roll, or on the tax list, there be any error in the name of a person taxed, the name may be changed, and the tax collected from the person intended, if he be taxable, and can be identified by the collector or assessor; and when the collector, after the tax list is committed to him, ascertains that any land or other property is omitted, he will report the fact to the assessor, who, upon being satisfied thereof, will enter it upon his assessment roll, and assess the value, and the collector will enter it upon the tax list, and collect the tax as in other cases.

SEC. 38. It shall be the duty of every person subject to taxation, at some time before the time mentioned in section thirty-five of this act, to pay his, or her, or their taxes, and if any one neglect or refuse to pay them before said first Monday in October following the levy of the tax, the collector is directed, and shall make the same by distress and sale of his, her, or their personal property, excepting such as is exempt from taxation, and the tax list alone shall be a sufficient warrant for such distress.

SEC. 39. When the collector distrains goods, he may keep them at the expense of the owner, and shall give notice of the time and place of their sale, within five days after the taking, in the manner constables usually are required to give notice of the sale of personal property under execution, and the time of sale shall not be more than ten days from the day of the taking, but he may adjourn the sale from time to time, not exceeding three days, and shall adjourn at once when there are no bidders, and, in case of an adjournment, he shall put up a notice thereof at the place of sale. Any surplus remaining above the taxes, charges of keeping, transportation and fees of sale, shall be returned to the owner, and the collector shall, on demand, render an account in writing of the sale and all charges.

SEC. 40. If the collector be resisted or impeded in the execution of his office, he may require any suitable person or persons

to aid him therein, and if such person or persons refuse to give such aid, he, or each of them, shall forfeit a sum not exceeding ten dollars, to be recovered by civil action in the name of, and to the use of the county, before any justice of the peace, on the complaint of said collector, or any other person, and the person or persons resisting shall be liable, as in the case of resisting the sheriff in the execution of civil process.

SEC. 41. On the first Monday of November in each year the unpaid taxes of that year become delinquent, and shall draw interest at the rate of twenty-five per centum per annum until paid, or collected by distress and sale, and taxes upon real property are hereby made a perpetual lien thereupon, against all persons or corporations except the United States and this Territory, and taxes due from any person on personal property, shall be a lien on any real property owned by such person.

SEC. 42. On the third Monday of November in each year, the county collector shall make a final settlement with the county treasurer, and shall return a list of all unpaid taxes, and the taxes collected, after deducting five per cent. thereof for his services in collecting the same, and thereafter all delinquent taxes shall be payable to the county treasurer, and each collector shall, also, at least once in each week during the time he is collecting, pay over to said treasurer the amount of money then in his hands payable to said treasurer, under any existing laws of this Territory, taking the receipt of the treasurer for the same, and if any collector shall fail or refuse to make any payment or settlement required by law, he may be fined in any sum not less than one thousand dollars, nor more than five thousand dollars, to be recovered by action of debt by the board of county commissioners in the name of, and to the use of the people of the Territory of Wyoming.

SEC. 43. In all cases where any person shall pay any tax, or any portion thereof, that shall thereafter be found to be erroneous or illegal, whether the same be owing to clerical or other errors, the board of county commissioners shall direct the treasurer to refund the same to the tax-payer, or in case any real property, subject to taxation, shall be sold for the payment of such erroneous tax, the error in tax may at any time be corrected as above provided, and shall not affect the validity of the sale, but such property shall be redeemed by the county as hereinafter set forth.

SEC. 44. The treasurer shall give notice of the sale of real property for delinquent taxes, by publication thereof, once a week for four weeks, in a newspaper in his county, if there be one, the first insertion of which notice shall be at least four weeks before the day of sale, and by a written notice posted on the door of the court house, or building commonly used therefor, for four weeks

before the sale, and if there be no newspaper published in the county, the like notice shall be given by posting one written notice in each of the most public places in the county in which any land to be sold is situated, and one on the court house door, or door of the county building. Such notice shall contain a notification that all lands on which the taxes of \_\_\_\_\_ have not been paid, will be sold, and the time and place of such sale, with a list of the lands. Ten per cent. upon the amount of taxes due shall be added when lands are advertised.

SEC. 45. Such sale is directed to take place at the court house or county building, as herein provided, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and may be adjourned from day to day, Sundays excepted, until all the lands are sold.

SEC. 46. The purchaser who offers to pay the amount of taxes due on any parcel of land for the smallest portion of the same, is to be considered the purchaser. The homestead is liable to be sold for no tax save that which is due on itself exclusively, and to that end the quantity of land bid in may be obtained by drawing the division line in any direction, so as to avoid the homestead.

SEC. 47. The person purchasing any lot or parcel of land shall forthwith pay the treasurer the amount of taxes and costs on said lot or parcel of land, and on failure to do so, said land shall at once be sold again, in the same manner as if no sale had been made.

SEC. 48. No irregularity or informality in the advertisements, shall affect in any manner, the legality of the sale, or the title to any real property conveyed by the treasurer's deed under this act, but in all cases the provisions of this act shall be deemed sufficient notice to the owners of the sale of their property.

SEC. 49. The county treasurer shall make out, sign and deliver to the purchaser of any real property sold for the payment of taxes as aforesaid, a certificate of purchase, describing the property on which the taxes and costs were paid by the purchaser, as the same are described in the record of sale, and also how much and what of each lot or parcel of land was sold. If any person shall become the purchaser of more than one lot or parcel of land, he may have the whole put in one certificate. For each certificate, the purchaser shall pay the treasurer a fee of fifty cents.

SEC. 50. Such certificate of purchase shall be assignable by indorsement, and such assignment shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

SEC. 51. Real property sold under this act may be redeemed at any time before the expiration of two years from and after the

date of the sale, by the payment to the treasurer of the proper county, to be held by him subject to the order of the purchaser, of the amount for which the same was sold, and thirty per cent. on the same, with twelve per cent. interest per annum on the whole amount, from the day of sale, and the amount of all taxes accruing after such sale, with twelve per cent. interest per annum on such subsequent taxes, unless such subsequent taxes have been paid by the person for whose benefit the redemption is made, which fact may be shown by the collector's receipt; *Provided*, That if real property of any minor, married woman, or lunatic, be sold for taxes, the same may be redeemed at any time within one year after such disability be removed upon the terms specified in this section, which redemption may be made by the guardian or legal representatives.

SEC. 52. The county treasurer shall, upon application of any party to redeem any real property sold under the provisions of this act, and being satisfied that such party has a right to redeem the same, and upon the payment of the proper amount, issue to such party a certificate of redemption, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of the redemption, the amount paid, and by whom redeemed, and he shall make the proper entries in the book of sales in his office, and shall immediately give notice of such redemption to the person holding the certificate of purchase.

SEC. 53. Immediately after the expiration of the term of two years from the date of the sale of any lands for taxes, under the provisions of this act, which have not been redeemed, the treasurer then in office shall make out a deed for each lot or parcel of land sold and remaining unredeemed, and deliver the same to the purchaser; upon the return of the certificate of purchase, the treasurer is required to demand two dollars for each deed made by him on such sales; but any number of parcels of land bought by one person may be included in one deed, as may be desired by the purchaser.

SEC. 54. Deeds executed by the treasurer shall be substantially in the following form:

Know all men by these presents, that whereas, the following described real property, viz: (here insert the description) situated in the county of———, and Territory of Wyoming, was subject to taxation for the year (or years) A. D.———; and whereas the taxes assessed upon said real property for the year (or years) aforesaid, remained due and unpaid at the date of such sale hereinafter named, and whereas the treasurer of the said county did on the——— day of———, A. D. 18—, by virtue of the authority vested by law, at (an adjourned sale), the sale begun and publicly held on the———, A. D. 18—, expose to public sale at the court

house (or county building) in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, for the payment of the taxes, interest and costs then due, and remaining unpaid on said property, and whereas at the time and place aforesaid, A. B., of the county of \_\_\_\_\_, and \_\_\_\_\_ of \_\_\_\_\_, having offered to pay the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, being the whole amount of taxes, interest and costs then due and remaining unpaid on said property for (here follows a description of the property sold) which was the least quantity bid for, and payment of said sum having been made by him to the said treasurer, the said property was stricken off to him at that price (and whereas the said A. B. did, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 18—, duly assign the certificate of the sale of the property as aforesaid, and all his right, title and interest to said property, to C. D., of the county of \_\_\_\_\_, and \_\_\_\_\_ of \_\_\_\_\_); and, whereas, two years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law; now, therefore, I, E. F., treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid, as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell, unto the said A. B. (or C. D.) his heirs and assigns, the real property last hereinbefore described, to have and to hold unto him, the said A. B., (or C. D.) his heirs and assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, E. F., treasurer, as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 18—.

E. F., treasurer.

Which deed shall be acknowledged by the treasurer before the clerk of the district court, as follows:

Territory of Wyoming, } ss.  
 \_\_\_\_\_ county. }

I hereby certify, that before me the undersigned, \_\_\_\_\_ in and for said county, personally appeared the above named E. F., treasurer of said county, at the date of the execution of the above conveyance, and [known to me] to be the identical person whose name is affixed to, and who executed, the above conveyance, as treasurer of said county, and who acknowledges the execution of the same to be his voluntary act and deed, as treasurer of said county, for the purposes therein expressed. Given under my hand (and official seal) this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

[Seal.] \_\_\_\_\_, Clerk of District Court.

SEC. 55. When, by mistake or unlawful act of the treasurer, land has been sold, on which no tax was due at the time, or whenever land is sold unlawfully in consequence of any other mistake or irregularity rendering the same void, the county shall hold the purchaser harmless by paying him the amount of principal, interest and cost to which he would have been entitled had the land been rightfully sold, and the treasurer and his sureties will be liable to the county for the amount; *Provided*, That the treasurer or his sureties shall be liable only for his own or his deputies' acts.

SEC. 56. The books and records belonging to the offices of the clerk of the board of county commissioners and the county treasurer, or copies thereof duly certified, shall be deemed sufficient evidence to prove the sale of any real property for taxes, the redemption thereof, or the payment of the taxes thereon.

SEC. 57. No action for the recovery of real property, sold for non-payment of taxes, shall be maintained unless the same be brought within six years after the date of the sale for taxes aforesaid.

SEC. 58. Each county is responsible to the Territory for the amount of tax levied for Territorial purposes, excepting such amounts as are certified to be unavoidable, double, or erroneous assessments.

SEC. 59. If any county treasurer prove to be a defaulter for Territorial revenue, such amount shall be made up to the Territory within the next two years, in such manner as the county commissioners may direct; in such cases, the county can have recourse to the official bond of the treasurer for indemnity.

SEC. 60. It shall be the duty of the treasurer of each county to make a settlement annually with the board of county commissioners on the second Monday of December, and as often during each year as said board may require it, and immediately thereafter, the treasurer of each county shall make a full and complete settlement with the Territorial treasurer, for the preceding year, and for his services as treasurer, he shall be allowed three per cent. on the dollar on all sums received and paid out by him, school money included, and shall be allowed fifteen cents per mile for going to, and returning from, Territorial treasurer's office, to make an annual settlement, to be deducted out of Territorial tax; and upon his failure or refusal to make such settlements as required, he shall be fined in any sum not less than one hundred dollars, nor more than one thousand dollars, to be recovered by action in the district court, against the treasurer and his sureties, by the board of county commissioners.

SEC. 61. Any officer neglecting or refusing to comply with any of the requirements of this act, for whose negligence or failure no other penalty is provided by this act, shall be liable to a fine not

exceeding one thousand dollars, to be recovered against him and his securities as provided in this act.

SEC. 62. This act shall take effect and be in force from and after its passage.

Approved, December 10, 1869.

[NOTE.—Section 60 was amended to read as above, by act approved December 16th, 1871; sections 2, 22, 27 and 28 were amended to read as above, by act of December 11th, 1875, and section 12 was amended to read as above by both the aforesaid acts.—COMPILERS.]

## AUTHENTICATION.

### WYOMING TERRITORY, SECRETARY'S OFFICE.

I, G. W. French, Secretary of Wyoming Territory, do hereby certify that the foregoing election, school and assessment laws are true copies of the original laws on file in this office, and that they are published in accordance with a Joint Resolution of the Fourth Legislative Assembly of Wyoming Territory, approved December 7th, 1875.

{ L. S. }

In testimony whereof I have hereunto set my hand and affixed the great seal of the Territory, this 22d day of March, A. D. 1876.

G. W. FRENCH,

Secretary of Wyoming Terr.

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